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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/835,030

04/13/2001

Charles Reed JR.

SAR 14110

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06/17/2004

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EXAMINER

ZHENG, EVA Y

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 06/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/835,030

Applicant(s)

REED, CHARLES

Examiner

Eva Yi Zheng

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 8 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-7 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities:
  - a) On page 2, [0012] on line 1, the phrase: "antennas 201A and 201B" should be changed to -- antennas 101A and 101B --.
  - b) On page 3, on line 2-3, the phrase: " the matched filters 206 and 208, the FFEs 210 and 212, the summer 214, and the DFE 218" should be changed to -- the matched filters 106 and 108, the FFEs 110 and 112, the summer 114, and the DFE 118 --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gutnik et al. (US 2002/0049936 A1).
  - a) Regarding claim 1, Gutnik et al. disclose a method for performing timing recovery comprising:

producing phase signals (16 a-d in Fig. 2) by comparing a signal received at each of a plurality of inputs (clock signal 1-4 in Fig.2) to a timing signal produced by a numerically controlled oscillator (NCO) (clock signal 0 in Fig. 2; oscillator 24 inherent as NCO);

summing said phase signals to produce a sum (18 in Fig. 2);

adjusting said sum into an input range for the numerically controlled oscillator (NCO) (22 in Fig. 2; Col 2, L39-42); and

producing a timing signal within the NCO in response to the adjusted sum (24 in Fig. 2).

b) Regarding claim 4, Gutnik et al. disclose the method of claim 1 wherein said adjusting comprises:

determining whether each input is receivable (Fig. 3; Col 2, L60-63);

determining an offset using a number of receivable inputs (36 in Fig. 3); and

adjusting the sum using the offset (as shown in Fig. 2).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dalmia et al. (US 6,307,413 B1).

Regarding claim 8, Dalmia et al. disclose an apparatus for performing timing recovery of a signal, said apparatus comprising:

- a plurality of phase detectors (102 and 104 in Fig. 4);
- a summer (106 in Fig. 4; inherent as a summer according to Col 3, L32-34) for adding said detected phases to form a sum;
- a level shifter (108 in Fig. 4) for adjusting the sum to within an input range of said NCO (inherent as VCO);
- a loop filter for filtering the adjusted sum (108 in Fig. 4); and
- the NCO (110 in Fig. 4) for generating a timing signal in response to the filtered sum.

Dalmia et al. disclose all of the subject matter as described above except for the specially teaching of plurality of inputs. Rather than detecting phase signals by comparing a signal received at each of a plurality of inputs to a timing signal produced by a NCO, Dalmia et al. disclose detecting phase signals by comparing a signal received at different data rate to a timing signal produced by a NCO (101 in Fig. 4).

However, it would be obvious to one of ordinary skill in the art at the time of invention to modify Dalmia et al.'s system to receive two different signal inputs instead of a single input with two different data rate. It would perform equally well with applicant's system.

***Allowable Subject Matter***

6. Claims 2, 3, 5-7, and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Yi Zheng whose telephone number is 703-305-8699. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-879-9306.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

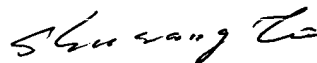
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2634

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Eva Yi Zheng  
Examiner  
Art Unit 2634

June 8, 2004



SHUWANG LIU  
PRIMARY EXAMINER